

## *St. Louis City Ordinance 63365*

FLOOR SUBSTITUTE

BOARD BILL NO. [94] 295

INTRODUCED BY ALDERMAN MARIT CLARK

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel in Caroline from Grand to Theresa and 15 foot wide north/ south alley and the remaining 152 feet of the 15 foot wide east/west alley in City Block 1825 bounded by Caroline, Theresa, Vista, and Grand in the City of Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in conformity with Section 14 of Article XXI of the Charter and imposing certain conditions on such vacation.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE: The public surface rights of vehicle, equestrian and pedestrian travel, between the rights-of-way of:

All of Caroline Avenue, 55 feet wide, in the City of St. Louis, Missouri bounded on the west by the east line of Grand Avenue, 100 feet wide, and bounded on the east by the west line of Theresa Avenue, 60 feet wide, and more particularly described as follows:

Beginning at the intersection of the said east line of Grand Avenue with the north line of City Block 1278-B, being also the south line of said Caroline Avenue; thence eastwardly along the said south line of Caroline Avenue and the north lines of City Blocks 1278-B and 1825, a distance of 763.42 feet to its intersection with the said west line of Theresa Avenue; thence northwardly along a line which has an interior angle of 89 degrees 51 minutes 40 seconds with said south line of Caroline Avenue, a distance of 55.00 feet to its intersection with the north line of said Caroline Avenue; thence westwardly along said north line of Caroline Avenue and the south line of City Blocks 1826 and 2175, a distance of 762.96 feet to its intersection with the said east line of Grand Avenue; thence southwardly along a line which has an interior angle of 90 degrees 20 minutes 30 seconds with said north line of Caroline Avenue, 55 feet to the point of beginning and containing 41,975 square feet. All of a north/south 15 foot wide alley dedicated in a document recorded as daily number 13 on October 28, 1968 in the St. Louis City Recorder's office, and part

of an east/west 15 foot wide alley, all in City Block 1825 of the City of St. Louis, and more particularly described as follows:

Beginning at the intersection of the south line of said east/west alley with the west line of Theresa (60 feet wide) Avenue, said point of beginning being 138.37 feet south, measured along the said west line of Theresa Avenue, from the intersection of said west line of Theresa Avenue with the south line of Caroline (55 feet wide) Avenue; thence west along said south line of the east/west alley, which has an interior angle of 89 degrees 51 minutes 40 seconds with said west line of Theresa Avenue, a distance of 152.11 feet to a point on the south prolongation of the west line of said north/south alley; thence north along said prolongation and along said west line of the north/south alley which has an interior angle of 90 degrees 08 minutes 20 seconds with said south line of the east/west alley, a distance of 138.37 feet to a point on the said south line of Caroline Avenue; thence east along said south line of Caroline Avenue which has an interior angle of 89 degrees 51 minutes 40 seconds with said west line of the north/south alley, a distance of 15.00 feet to a point on the east line of said north/south alley; thence south along the said east line of the north/south alley which makes an interior angle of 90 degrees 08 minutes 20 seconds with said south line of Caroline Avenue, a distance of 118.37 feet to a point; thence southeast along a line which makes an interior angle of 224 degrees 55 minutes 50 seconds with the said east line of the north/south alley, a distance of 7.08 feet to a point;

thence east along the north line of the said east/west alley which makes an interior angle of 224 degrees 55 minutes 50 seconds with the last mentioned line, a distance of 132.11 feet to a point on the said west line of Theresa Avenue; thence south along said west line of Theresa Avenue which makes an interior angle of 90 degrees 08 minutes 20 seconds with the said north line of the east/west alley, a distance of 15.00 feet to the point of beginning and containing 4,144 square feet.

are, upon the conditions hereinafter set out, vacated.

**SECTION TWO:** Petitioned by St. Louis University and Christ Lutheran Church. Vacation will allow for consolidation of property and to construct pedestrian mall.

**SECTION THREE:** All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated alleys/street, are reserved to the City of St. Louis for the public including present and future uses of utilities,

governmental service entities and franchise holders, except such rights as are specifically abandoned or released herein.

SECTION FOUR: The owners of the land may, at their election and expense remove the surface pavement of said so vacated alleys/street provided however, all utilities within the rights-of-way shall not be disturbed or impaired and such work shall be accomplished upon proper City permits.

SECTION FIVE: The City, utilities, governmental service entities and franchise holders shall have the right and access to go upon the land and occupation hereof within the rights-of-way for purposes associated with the maintenance, construction or planning of existing or future facilities, being careful not to disrupt or disturb the owners interests more than is reasonably required.

SECTION SIX: The owners shall not place any improvement upon, over or in the land traversed by the rights-of-way without a lawful permit from the City and written consent of the utilities, governmental service entities and franchise holders, present or future; and such consent together with the terms and conditions thereof shall be filed in writing with the Board of Public Service and approved by such Board prior to the undertaking of any such construction concerning the rights-of-way.

SECTION SEVEN: The owners may secure the removal of all or any part of the facilities of a utility, governmental service entity or franchise holder by agreement in writing with such utilities, governmental entity or franchise holder, filed with the Board of Public Service prior to the undertaking of such removal.

SECTION EIGHT: In the event that granite curbing or cobblestones are removed within the vacated area, the Department of Streets of the City of St. Louis must be notified and it in turn will remove said curbing or cobblestones at the current removal price.

SECTION NINE: This ordinance shall be ineffective unless within sixty (60) days after its approval, or such longer time as is fixed by the Board of Public Service not to exceed one hundred twenty (120) days from approval or override, the owners of the land subservient to the rights-of-way concerned shall deposit a sum with the Comptroller of the City of St. Louis for the use and benefit of the City Water Division estimated by said Division to be sufficient to cover the full expense of removal and relocation of Water facilities, if any; further, such owner or owners shall within said time deposit an additional sum of money

with the Comptroller of the City of St. Louis for the use and benefit of the City Traffic and Transportation Division estimated by said Division to be sufficient to cover the full expense of removal of all lighting facilities, if any; upon such deposit being made to the benefit of the Water Division and the Traffic and Transportation Division, they shall proceed as is reasonably expedient to accomplish all work required and all useful access and occupation shall be accorded, further, such owner or owners shall within said time, deposit an additional sum with the Comptroller of the City of St. Louis estimated by the said Board as sufficient to defray the expenses required for the adjustment of the City's streets including curbs, sidewalks, driveways, roadway drainage connections and inlets, grading, paving sidewalks and roadways and road signage; provided further that said owners shall, under direction of the Director of Streets of the City of St. Louis, accomplish the aforesaid adjustments, at their own expense, but in the event said owners fail to accomplish such within allowable time, according to the direction of the Director, the Director shall cause the same to be performed and upon his certification of expenses, the Comptroller shall appropriate said deposit, or so much thereof as required to defray such expenses to the City or others; no claims or demands whatever arising out of such vacation or adjustment shall be made or prosecuted by owners, their heirs, successors or assigns; and the Comptroller after determining the total cost of the foregoing to the City shall return any unexpended part of said deposits to the owner or owners.

SECTION TEN: An affidavit stating that all of the conditions of this ordinance have been complied with must be submitted to the Board of Public Service for acceptance 365 days (one year) from the date of the signing and approval of this ordinance. If this affidavit is not submitted within the prescribed time the ordinance will be null and void.

Legislative History				
1ST READING	REF TO COMM	COMMITTEE	COMM SUB	COMM AMEND
11/28/94	11/28/94	STR		
2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE
12/16/94			01/06/95	01/20/95
ORDINANCE	VETOED		VETO OVR	

63365		
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